

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**553 MAST ROAD, LLC,
Plaintiff**

v.

C.A. NO:

**UNITED NATIONAL INSURANCE COMPANY,
Defendant**

NOTICE OF REMOVAL

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF MASSACHUSETTS**

Pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 81.1, the defendant, United National Insurance Company (“United National”), hereby removes the above-entitled action from the Superior Court Department of the Trial Court of Massachusetts for Suffolk County to the United States District Court for the District of Massachusetts. In support of this removal, United National states as follows:

1. 553 Mast Road, LLC (“553 Mast Road”) brought a civil action against United National in the Superior Court Department of the Trial Court of Massachusetts for Suffolk County, which action is docketed as Civil Action No. SUCV1984CV00919 (“the state court action”).

2. The Complaint and Jury Demand (the “Complaint”) in the state court action was filed in Suffolk Superior Court on or about March 18, 2019 and served upon United National via mail on or about April 29, 2019. A copy of the Complaint and the Summons are filed herewith as Exhibit “A.”

3. Removal is timely pursuant to 28 U.S.C. § 1446(b) and Fed.R.Civ.P. 6(a)(1) and 6(d).

This Court Has Diversity Jurisdiction Pursuant to 28 U.S.C. § 1332

4. Removal is permissible in this matter under 28 U.S.C. § 1441(b). This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) as there is complete diversity of citizenship between 553 Mast Road and United National and the amount in controversy is greater than \$75,000.

5. For purposes of diversity with respect to a limited liability company, “the citizenship . . . is determined by the citizenship of all of its members.” *D.B. Zwirn Special Opportunities Fund, L.P. v. Mehrotra*, 661 F.3d 124, 125 (1st Cir. 2011) (quoting *Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54 (1st Cir. 2006)). *Sys. Techs. Res., Inc. v. United Vision Solutions*, 2018 U.S. Dist. LEXIS 139739, *4 (D. Mass. 2018).

6. United National is an insurance company duly organized under the laws of the Commonwealth of Pennsylvania with a principal place of business in Bala Cynwyd, Pennsylvania. *See* Exhibit “A” (Summons and Complaint) at para. ¶2; *see also* Massachusetts Licensed or Approved Companies – the portion listing United National is attached hereto as Exhibit “B.”.

7. Upon information and belief, 553 Post Road is a limited liability company organized under the laws of the State of New Hampshire and no Member of 553 Mast Road is a citizen of Pennsylvania. *See* “Business Information” appearing on the website of the New Hampshire Secretary of State’s Office indicating that the principal office of 553 Mast Road is located in at 553 Mast Road, Goffstown, NH and that the sole manager of 554 Mast Road is Zi Qian Zhang whose business address is also listed as 553 Mast Road, Goffstown, NH. *See*, Exhibit “C”, attached.

8. As indicated on the Civil Action Cover Sheet filed in the state court action, 553 Mast Road seeks damages in the amount of \$451,849.06. A copy of the Civil Action Cover Sheet is filed herewith as Exhibit “D.” The amount in controversy thus exceeds the requisite \$75,000 for federal diversity jurisdiction under 28 U.S.C. § 1332(a). *See also* 28 U.S.C. § 1446(c)(2)(a) (“[T]he sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy”).

9. Accordingly, removal is permissible under 28 U.S.C. § 1441(a) as this Court would have original diversity jurisdiction over this action.

All Other Prerequisites for Removal Are Met

10. This Notice is filed within 30 days after receipt of service of the Complaint, the Complaint having been served by mail on April 29, 2019.

11. United National has not yet filed or served an Answer.

12. A copy of this Notice of Removal will be promptly filed with the clerk of Suffolk Superior Court and has been served upon Plaintiff’s counsel.

13. Pursuant to Local Rule 81.1 of the United States District Court for the District of Massachusetts, United National shall file certified or attested copies of all docket entries with this Court within 28 days of filing this Notice.

14. **WHEREFORE**, Defendant, United National Insurance Company, respectfully requests that the state court action now pending against it in the Superior Court Department of the Trial Court in and for the County of Suffolk, Commonwealth of Massachusetts, be removed to this Court.

Respectfully submitted,
DEFENDANT,
UNITED NATIONAL INSURANCE COMPANY
By its attorneys,

/s/ Richard J. Riley

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DATED: June 3, 2019

CERTIFICATE OF SERVICE

I, Richard J. Riley, hereby certify that I have this day served a copy of the foregoing Notice of Removal of State Court Pleadings by mailing a copy of same, postage prepaid to all counsel of record.

/s/ Richard J. Riley

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DATED: June 3, 2019